

DELTA PROTECTION COMMISSION

14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
PHONE: (916) 776-2290
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September 15, 1995



Roberta Goulart
Community Development Department
Contra Costa County
651 Pine Street, 4th Floor, North Wing
Martinez, CA 94553-0095

Subject: Delta Protection Commission Consideration of Contra
Costa County's Proposed General Plan Amendments
Regarding Lands in the Primary Zone of the Delta

Dear Ms. Goulart:

You have received a copy of the meeting notice and staff report on Contra Costa County's proposal. The Commission will be holding a public hearing on this matter at the September 28, 1995 meeting. It would be helpful if you could attend to make a brief presentation and/or answer questions.

The County's submittal has raised two issues:

- 1) How will the County implement and enforce compliance with the Commission's adopted plan when the proposed new policy states "The County will consider the Land Use and Resource Management Plan for the Primary Zone of the Delta when reviewing land development applications in the Primary Zone of the Delta..." and does not require that those applications be in compliance with the policies of the adopted resource management plan?
- 2) It is not clear from the staff analysis and the cover letter if Contra Costa County currently requires a Land Use permit for placement of sewage effluent and sewage sludge. If the county does require a Land Use Permit, will the proposed amendments preclude placement in the Delta Primary Zone? If the County does not require a Land Use Permit, how will the County ensure that such actions are carried out in conformance with Utilities and Infrastructure Policy P-3 which precludes placement of these materials in the Primary Zone?
- 3) If the County is proposing to not amend the General Plan regarding placement of sewage sludge until the Delta Commissions litigation is resolved, how will the County protect Primary Zone environmental resources until that time?

Please give me a call to discuss these issues, if possible, prior to the meeting on September 28. I appreciate your assistance in these matters.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Margit Aramburu', followed by a horizontal line extending to the right.

Margit Aramburu
Executive Director

cc: Supervisor Tom Torlakson

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September 15, 1995

To: Delta Protection Commission
From: Margit Aramburu, Executive Director
Subject: Staff Report and Preliminary Staff Analysis on
CONTRA COSTA COUNTY

Background:

The Delta Protection Act states that within 180 days of the adoption of the resource management plan, all local governments shall submit to the Commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the Primary Zone. The 180th day was August 22, 1995.

The Commission is required to review, and as appropriate, approve by a majority vote of the Commission membership, proposed general plan amendments of a local government, as to land within the Primary Zone. The Act allows the Commission to approve such amendments only after making all of the following written findings regarding the general plan and any development approved or proposed that is consistent with the resource management plan:

- a. consistent with the resource management plan (Land Use and Resource Management Plan for the Primary Zone of the Delta).
- b. will not result in wetland or riparian loss.
- c. will not result in the degradation of water quality.
- d. will not result in increased nonpoint source pollution.
- e. will not result in the degradation or reduction of Pacific Flyway habitat.
- f. will not result in reduced public access, provided the access does not infringe on private property rights.

- g. will not expose the public to increased flood hazard.
- h. will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.
- i. will not result in the degradation or impairment of levee integrity.
- j. will not adversely impact navigation.
- k. will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

Contra Costa County Submittal:

Harvey E. Bragdon, Director of Community Development, submitted a letter dated August 22, 1995, a supplemental policy, and a 52 page comparative analysis of the two plans. This package of material was received on August 22, 1995 and has been reproduced and included in this packet. The package was reviewed by a Subcommittee of the Board; the Board's regular meeting schedule had been disrupted and no meeting was scheduled prior to the submittal date.

Description of Lands within the County:

Contra Costa County occupies the southwestern portion of the Primary Zone covering about 47,000 acres, or about 10 percent of the Primary Zone (see attached map). Islands and tracts within the County include: Browns Island (within the City of Pittsburg), Winter Island, Jersey Island, Bradford Island, Webb Tract, Holland Tract, Palm Tract, Orwood Tract, the areas east of Palm and Orwood tracts and Coney Island. Water areas include: Big Break, Franks Tract (State Parks Department), and Clifton Court Forebay (Department of Water Resources). In addition, most of Jersey Island has been purchased by Ironhouse Sanitary District and is proposed to be used to dispose of treated wastewater and biosolids; this proposal was discussed in detail by the Commission. A private proposal (Draft Environmental Impact Report due to be released in September, 1995) would use Webb Tract as a reservoir and most of Holland Tract as a wetland/mitigation site (Delta Wetlands Project).

Existing General Plan:

The County's adopted Urban Limit Line closely follows the boundary of the Primary Zone (a map of the Urban Limit Line is included in the County submittal). No areas slated for development are within the Urban Limit Line. The General Plan designates Big Break, Franks Tract and Clifton Court Forebay as WA- Water Areas. Jersey Island, Webb Tract, Orwood Tract, Palm Tract, Holland Tract, Quimby Island, and Bradford Island are designated DR- Delta Recreation and Resources.

Existing Zoning:

The County has several zones in the Primary Zone. The DRR and A-4 (Agricultural Preserve Under Williamson Act) zones have minimum parcel size of 20 acres. The A-3 (Heavy Agriculture) zone has a minimum parcel size of 10 acres. The A-2 zone (General Agriculture) has a minimum parcel size of 5 acres. Most of the agricultural land in the Primary Zone is 5 acre minimum parcels. Quimby Island is zoned Exclusive Agricultural District (A-80), minimum parcel size is 80 acres.

Proposed General Plan Amendments:

The County proposes to adopt one new general policy which would read :

The County will consider the "Land Use and Resource Management Plan for the Primary Zone of the Delta" when reviewing land development applications in the Primary Zone of the Delta as defined by Public Resources Code Section 21080.22 and Division 19.5.

Analysis in Comparison with the Adopted Plan:

The County staff reviewed the County General Plan in light of the Delta Plan policies and recommendations. The County staff found the two plans are generally consistent. If policies are not consistent, the County staff included appropriate goals and/or implementation measures which are consistent. The County staff states the majority of the Delta Plan policies and recommendations tend to be consistent with the County General Plan, since the Primary Zone is located outside of the County Urban Limit Line (part of the General Plan's Land Use Element). The purpose of the Urban Limit Line is to preserve identified non-urban agricultural, open space, and other areas; no urban uses can be designated beyond the Urban Limit Line.

Analysis of Any Potentially Significant Adverse Environmental Impacts Resulting from the Proposal Which Were not Previously Addressed in the Commission's Planning Documents:

Because the proposed General Plan amendment is adoption of one policy which requires that the Delta Plan be considered before any County action can be taken in the Primary Zone, there is no additional environmental impact beyond those outlined in the environmental analysis which was prepared in support of the Commission's adoption of the Delta Plan in February of 1995.

Preliminary Staff Recommendation:

Staff is seeking clarification of the County's submittal. Staff is unprepared to make a recommendation at this time.

